

JS 44C/SDNY
REV.

10/01/2020

Sheet Pg 1 of 2
CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS286 Rider Ave Development LLC, Toby Moskovits, Michael Lichtenstein
Appellant**DEFENDANTS**286 Rider Ave Acquisition LLC, Appellee
286 Rider Ave Lender LLC, Appellee**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**Offit Kurman, P.A.
590 Madison Avenue, 6th Floor
New York, NY 10022

Attn: Jason A Nagy Esq.

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC 158

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously AssignedIf yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____**IS THIS AN INTERNATIONAL ARBITRATION CASE?****No Yes**

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT**TORTS****ACTIONS UNDER STATUTES**

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] INJURY/PRODUCT LIABILITY	[] SEIZURE OF PROPERTY	[] 28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY	[] 21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	[] 28 USC 157	[] 410 ANTITRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	[] PERSONAL PROPERTY	[] PROPERTY RIGHTS		[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 820 COPYRIGHTS	[] 450 COMMERCE	[] 460 DEPORTATION
[] 152 RECOVERY OF DEFECTUALTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 830 PATENT		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
	[] 355 MOTOR VEHICLE PRODUCT LIABILITY		[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 480 CONSUMER CREDIT
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 840 TRADEMARK		[] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 160 STOCKHOLDERS SUITS	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY			
[] 190 OTHER CONTRACT PRODUCT LIABILITY		[] PRISONER PETITIONS	[] LABOR	[] 861 HIA (1395f)	
[] 195 FRANCHISE	[] ACTIONS UNDER STATUTES	[] 463 ALIEN DETAINEE	[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	[] 490 CABLE/SATELLITE TV
	[] CIVIL RIGHTS	[] 510 MOTIONS TO VACATE SENTENCE	[] 720 LABOR/MGMT RELATIONS	[] 863 DIWC/DIWV (405(g))	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
		[] 530 HABEAS CORPUS	[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY ACTIONS
		[] 535 DEATH PENALTY	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 865 RSI (405(g))	
		[] 540 MANDAMUS & OTHER	[] 790 OTHER LABOR LITIGATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 891 AGRICULTURAL ACTS
			[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL MATTERS
				[] 26 USC 7609	[] 895 FREEDOM OF INFORMATION ACT
					[] 896 ARBITRATION
					[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
					[] 950 CONSTITUTIONALITY OF STATE STATUTES
REAL PROPERTY					
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] PRISONER CIVIL RIGHTS	[] IMMIGRATION		
[] 220 FORECLOSURE RENT LEASE & EJECTION	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION		
[] 230 TORTS TO LAND TORT PRODUCT LIABILITY	[] 443 HOUSING/ ACCOMMODATIONS	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS		
[] 240 ALL OTHER REAL PROPERTY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			
	[] 446 AMERICANS WITH DISABILITIES - OTHER				
	[] 448 EDUCATION				

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:DEMAND \$ 0 OTHER existing app JUDGE Paul A. Engelmayer DOCKET NUMBER 22-cv-2402Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
			<input type="checkbox"/> a. all parties represented			
			<input type="checkbox"/> b. At least one party is pro se.	<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)		

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION	<input type="checkbox"/> 4 DIVERSITY (U.S. NOT A PARTY)
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BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	[] 1	[] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	[] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	[] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

286 Rider Ave Development LLC
679 Driggs Avenue
Brooklyn, New York 11211

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

123 5th Avenue
4th Floor
Attn: 286 Rider Ave Lender LLC
New York, NY 10003

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 4/8/22

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

[] NO
 YES (DATE ADMITTED Mo. 12 Yr. 2000)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)